

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

Cushaw Barnett

v.

Case No. 13-cv-141-SM

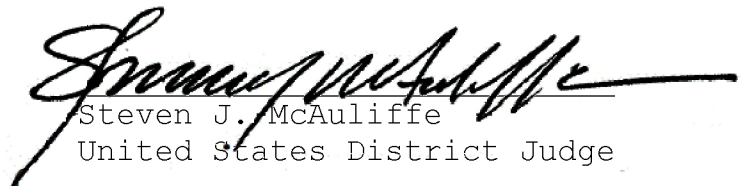
Steven J. McAuliffe

O R D E R

Defendant has sought relief from his conviction and sentence on multiple occasions over the years, which relief has been denied. Appellate review has proven equally unavailing to defendant. While it is never quite clear, this latest "demand" or motion seems to be a motion for relief under the provisions of 28 U.S.C. Section 2255. If it is, it is denied as untimely (and may be a second or successive petition). See 28 U.S.C. Sections 2255(f) and 2244. To the extent it is merely a repetitive motion intended to be filed in his criminal case, seeking to void his conviction and sentence on jurisdictional grounds, it is denied. Defendant's criminal case is closed; the conviction and sentence having been unequivocally affirmed by the United States Court of Appeals for the First Circuit.

Again, to the extent that this motion is properly construed as a 28 U.S.C. § 2255 petition for habeas relief, the Court declines to issue a certificate of appealability.

SO ORDERED.


Steven J. McAuliffe
United States District Judge

Date: April 29, 2013

cc: Cushaw Barnett, pro se